

1 William C. Wilka (CA Bar No. 79667)  
2 Dudnick, Detwiler, Rivin & Stikker, LLP  
3 351 California Street, 15<sup>th</sup> Floor  
4 San Francisco, California 94104  
5 (415) 982-1400

6 Louis W. Diess, III  
7 ldless@mccarronlaw.com  
8 McCarron & Diess  
9 4900 Massachusetts Avenue, N.W., Suite 310  
10 Washington, D.C. 20016  
11 (202) 364-0400

12 Attorneys for Plaintiff

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEE-RAY TARANTINO CO., INC., d/b/a  
GOLDEN STATE PRODUCE CO.

Plaintiff

v.

THEODORAS KOLIATISIS, d/b/a/  
4<sup>TH</sup> & GEARY FARMERS MARKET, et al

Defendants

Civil Action No: C-07-5705 CW

JOINT MOTION FOR  
ENTRY OF STIPULATION  
AND ORDER

Plaintiff, Lee-Ray Tarantino Co., Inc., d/b/a Golden State Produce Co., by and through its undersigned attorneys, and Defendants, Theodoras Koliatsis, d/b/a 4<sup>th</sup> & Geary Farmers Market and Yarnoula Kollatsis, d/b/a 4<sup>th</sup> & Geary Farmers Market, hereby jointly move the Court to enter the Stipulation and Order attached hereto.

1 Dated this 26<sup>th</sup> day of November, 2007

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3 DUDNICK, DETWILER, RIVIN & STIKKER, LLP

4  
5 Theodoras Koliatsis By: William C. Wilka  
6 THEODORAS KOLIATSIS, d/b/a  
4<sup>TH</sup> & GEARY FARMERS MARKET William C. Wilka (CA Bar No. 79667)  
7 351 California Street, 15<sup>th</sup> Floor  
8 San Francisco, California 94104  
9 (415) 982-1400

10 And

11 Yannoula Koliatsis  
12 YANNOULA KOLIATSIS, d/b/a  
13 4<sup>TH</sup> & GEARY FARMERS MARKET  
14  
15 McCARRON & DIESS  
16 Louis W. Diess, III  
17 4900 Massachusetts Ave., N.W.  
18 Washington, DC 20016  
19 (202) 364-0400  
20 Attorneys for Plaintiff  
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# **EXHIBIT 1**

1 William C. Wilka (CA Bar No. 79667)  
2 Dudnick, Detwiler, Rivin & Stikker, LLP  
3 351 California Street, 15<sup>th</sup> Floor  
4 San Francisco, California 94104  
5 (415) 982-1400

6 Louis W. Diess, III  
7 ldless@mccarronlaw.com  
8 McCarron & Diess  
9 4900 Massachusetts Avenue, N.W., Suite 310  
10 Washington, D.C. 20016  
11 (202) 364-0400

12 Attorneys for Plaintiff

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEE-RAY TARANTINO CO., INC., d/b/a  
GOLDEN STATE PRODUCE CO.

Plaintiff

v.

THEODORAS KOLIATISIS, d/b/a/  
4<sup>TH</sup> & GEARY FARMERS MARKET, et al

Defendants

Civil Action No: C-07-5705 CW

STIPULATION AND ORDER

Plaintiff, Lee-Ray Tarantino Co., Inc., d/b/a Golden State Produce Co., by and through its undersigned attorneys, and Defendants, Theodoras Koliatsis, d/b/a 4<sup>th</sup> & Geary Farmers Market and Yannoula Koliatsis, d/b/a 4<sup>th</sup> & Geary Farmers Market, hereby stipulate and agree to the terms of this Stipulation and Order, and the Court hereby approves this Stipulation and enters the Order thereon.

1. Plaintiff, Lee-Ray Tarantino Co., Inc., d/b/a Golden State Produce, is a trust creditor under the provisions of the Perishable Agricultural Commodities Act, 7

1 U.S.C. §499e(c), against defendants, Theodoras Koliatsis, d/b/a 4<sup>th</sup> & Geary Farmers  
2 Market and Yannoula Koliatsis, d/b/a 4<sup>th</sup> & Geary Farmers Market, jointly and severally, on  
3 a debt in the principal amount of \$328,344.36 plus contractual interest at the rate of  
4 18% per annum or \$85,431.21 for the installment period set forth in paragraph 2 below,  
5 and attorneys fees in the amount of \$9,325.00, for a total amount of \$423,100.57.  
6

7 2. Defendants Theodoras Koliatsis, d/b/a 4<sup>th</sup> & Geary Farmers Market and  
8 Yannoula Koliatsis, d/b/a 4<sup>th</sup> & Geary Farmers Market, shall pay to plaintiff Lee-Ray  
9 Tarantino Co., Inc., d/b/a Golden State Produce the total amount due of \$423,100.57,  
10 as follows: \$30,000.00 on or before November 26, 2007; and the balance in separate,  
11 equal, weekly installments of \$2,500.00 commencing Monday, December 3, 2007, and  
12 continuing each Monday thereafter until the total amount due plaintiff is paid in full. All  
13 payments shall be by electronic fund transfer, certified check, cashiers check, or money  
14 order, payable to Lee-Ray Tarantino Co., Inc., d/b/a Golden State Produce, and  
15 delivered to Lee-Ray Tarantino Co., Inc., d/b/a Golden State Produce, P.O. Box 2408,  
16 Golden State Produce Terminal, 131 Terminal Market, South San Francisco, California  
17 94083 on or by the date payment is due. Defendants have the right of prepayment.  
18

19 3. To secure the payment of said amount, defendants, Theodoras Koliatsis,  
20 d/b/a 4<sup>th</sup> & Geary Farmers Market and Yannoula Koliatsis, d/b/a 4<sup>th</sup> & Geary Farmers  
21 Market, have executed a Joint Motion for Entry of Final Injunction Order and Judgment,  
22 which will be held in escrow by the attorneys for Plaintiff unless there is a default. (An  
23 unexecuted copy of the Joint Motion for Entry of Final Injunction Order and Judgment  
24 and Proposed Final Injunction Order and Judgment are attached.) Plaintiff shall provide  
25 defendants with notice of default, and defendants shall have two (2) business days to  
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1 cure any and all defaults, before filing the Joint Motion for Entry of Final Injunction Order  
2 and Judgment.

3  
4 4. If there is a default in the payment of any of the payments referenced in  
5 paragraph 2, the aforesaid principal sum above mentioned in paragraphs 1 above, or  
6 any balance that may appear to be unpaid thereon, together accrued interest, all costs  
7 and reasonable attorney's fees approved by the court to collect the remaining sums due  
8 (including those incurred to determine additional costs and fees) (hereafter "the Debt"),  
9 shall after the two business day cure period reference above, at the option of the  
10 Plaintiff, thereupon become immediately due and payable, and Plaintiff, upon the filing  
11 of an affidavit stating the amount of unpaid principal and accrued but unpaid interest as  
12 to such default by Plaintiff's attorney with the Court with a copy thereof to Defendants,  
13 shall be entitled to file the previously executed Joint Motion for Entry of Final Injunction  
14 Order and Judgment and obtain a Judgment against defendants, Theodoras Koliatsis,  
15 d/b/a 4<sup>th</sup> & Geary Farmers Market and Yannoula Koliatsis, d/b/a 4<sup>th</sup> & Geary Farmers  
16 Market, under the trust provisions of the Perishable Agricultural Commodities Act, 7  
17 U.S.C. §499e(c), for the full unpaid amount of the Debt.  
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21 5. Nothing herein, including the installment nature of the payments being  
22 made hereunder, shall be deemed, interpreted or otherwise construed as an extension  
23 of credit by the Plaintiff to Defendants, or as a waiver of the Plaintiff's rights under the  
24 statutory trust provision of the Perishable Agricultural Commodities Act ("PACA"), 7  
25 U.S.C. §499e(c). Plaintiff's rights under this Stipulation and Order are in addition to its  
26 rights under said trust provision.  
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1 6. The Temporary Restraining Order and Order to Show Cause Why a  
2 Preliminary Injunction Should Not Issue entered by this Court on November 9, 2007 is  
3 dissolved upon entry of this Stipulation and Order.  
4

5 7. The Court shall retain jurisdiction over the parties during the pendency of  
6 the application of this Order.

7 8. Upon full payment, including by prepayment, this action shall be dismissed  
8 with prejudice.  
9

10 Dated this 26<sup>th</sup> day of November, 2007

11 DUDNICK, DETWILER, RIVIN & STIKKER, LLP  
12

13 Theodoras Koliatsis By: William C. Wilka  
14 THEODORAS KOLIATSISS, d/b/a  
15 4<sup>TH</sup> & GEARY FARMERS MARKET

William C. Wilka (CA Bar No. 79887)  
351 California Street, 15<sup>th</sup> Floor  
San Francisco, California 94104  
(415) 982-1400

17 And

18 Yannoula Koliatsis  
19 YANNOULA KOLIATSISS, d/b/a  
20 4<sup>TH</sup> & GEARY FARMERS MARKET

McCARRON & DIESS  
Louis W. Diess, III  
4900 Massachusetts Ave., N.W.  
Washington, DC 20016  
(202) 364-0400  
Attorneys for Plaintiff

# **EXHIBIT A**



William C. Wilka (CA Bar No. 79667)  
Dudnick, Detwiler, Rivin & Stikker, LLP  
351 California Street, 15<sup>th</sup> Floor  
San Francisco, California 94104  
(415) 982-1400

Louis W. Diess, III  
ldiess@mccarronlaw.com  
McCarron & Diess  
4900 Massachusetts Avenue, N.W., Suite 310  
Washington, D.C. 20016  
(202) 364-0400

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEE-RAY TARANTINO CO., INC., d/b/a  
GOLDEN STATE PRODUCE CO.

Plaintiff

v.

THEODORAS KOLIATSISS, d/b/a/  
4<sup>TH</sup> & GEARY FARMERS MARKET, et al

Defendants

Civil Action No: C-07-5705 CW

**JOINT MOTION FOR  
ENTRY OF FINAL  
INJUNCTION AND  
JUDGMENT**

Plaintiff, Lee-Ray Tarantino Co., Inc., d/b/a Golden State Produce Co., by and through its undersigned attorneys, and Defendants, Theodoras Koliatsis, d/b/a 4<sup>th</sup> & Geary Farmers Market and Yannoula Koliatsis, d/b/a 4<sup>th</sup> & Geary Farmers Market, hereby jointly move the Court to enter a Final Injunction Order and Judgment against Defendants in the form attached hereto.

1  
2 Dated this \_\_\_\_\_ day of November, 2007

3  
4 DUDNICK, DETWILER, RIVIN & STIKKER, LLP

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6  
7 THEODORAS KOLIATSI, d/b/a  
8 4<sup>TH</sup> & GEARY FARMERS MARKET

By: \_\_\_\_\_  
William C. Wilka (CA Bar No. 79667)  
351 California Street, 15<sup>th</sup> Floor  
San Francisco, California 94104  
(415) 982-1400

9  
10 And

11  
12 YANNOULA KOLIATSI, d/b/a  
13 4<sup>TH</sup> & GEARY FARMERS MARKET

McCARRON & DIESS  
Louis W. Diess, III  
4900 Massachusetts Ave., N.W.  
Washington, DC 20016  
(202) 364-0400  
Attorneys for Plaintiff

# **EXHIBIT B**

William C. Wilka (CA Bar No. 79667)  
Dudnick, Detwiler, Rivin & Stikker, LLP  
351 California Street, 15<sup>th</sup> Floor  
San Francisco, California 94104  
(415) 982-1400

Louis W. Diess, III  
ldiess@mccarronlaw.com  
McCarron & Diess  
4900 Massachusetts Avenue, N.W., Suite 310  
Washington, D.C. 20016  
(202) 364-0400

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEE-RAY TARANTINO CO., INC., d/b/a  
GOLDEN STATE PRODUCE CO.

Plaintiff

v.

THEODORAS KOLIATISIS, d/b/a/  
4<sup>TH</sup> & GEARY FARMERS MARKET, et al

Defendants

Civil Action No: C-07-5705 CW

**FINAL INJUNCTION  
ORDER AND JUDGMENT**

This matter is before the Court upon an affidavit filed by plaintiff's attorney that defendants have failed to make payment in accord with the Stipulation and Order filed in this action. Pursuant to the terms of the Stipulation and Order previously filed with the court, this court is to enter this Final Injunction Order and Judgment upon the filing of an affidavit by plaintiff's attorney, which states that payment has not been made by defendants as required by the Order.

1 Based upon the filing of the affidavit previously noted, it is by the United States  
2 District Court for the Northern District of California,

3 **ORDERED, ADJUDGED AND DECREED** that judgment is entered in favor of  
4 plaintiff, Lee-Ray Tarantino Co., Inc., d/b/a Golden State Produce Co., by and through  
5 its undersigned attorneys, and Defendants, Theodoras Koliatsis, d/b/a 4<sup>th</sup> & Geary  
6 Farmers Market and Yannoula Koliatsis, d/b/a 4<sup>th</sup> & Geary Farmers Market, jointly  
7 severally, under the trust provisions of the Perishable Agricultural Commodities Act, 7  
8 U.S.C. §499e(c) (PACA), in the amount of \$\_\_\_\_\_, accrued interest in the sum of  
9 \$\_\_\_\_\_, plus additional attorney's fees as awarded by the Court upon  
10 application by plaintiff, for a total judgment amount of \$\_\_\_\_\_; and it is further,

11 **ORDERED** that plaintiff's motion for Final Injunction is **GRANTED**; and it is further,

12 **ORDERED** that defendants, their customers, agents, officers, subsidiaries, assigns,  
13 banking institutions and factors shall not alienate, dissipate, pay over or assign any PACA  
14 trust assets of Defendants, Theodoras Koliatsis, d/b/a 4<sup>th</sup> & Geary Farmers Market and  
15 Yannoula Koliatsis, d/b/a 4<sup>th</sup> & Geary Farmers Market, except for payment to plaintiff until  
16 further order of the Court or until defendants pay the balance owed under the previously  
17 entered Order and Judgment by cashier's check or certified check at which time this Order  
18 is dissolved; and it is further

19 **ORDERED** that defendants shall within five (5) business days of service of this  
20 Order, turnover any and all funds realized from the sale of produce or products derived  
21 from produce in their possession to Lee-Ray Tarantino Co., Inc., d/b/a Golden State  
22 Produce, P.O. Box 2408, Golden State Produce Terminal, 131 Terminal Market, South  
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1 San Francisco, California 94083, attorneys for plaintiff for distribution to plaintiff until the  
2 balance owed is paid to plaintiff; and it is further

3 **ORDERED** that any and all PACA trust assets belonging to defendants in the  
4 possession of third parties shall be immediately turned over to Lee-Ray Tarantino Co.,  
5 Inc., d/b/a Golden State Produce, P.O. Box 2408, Golden State Produce Terminal, 131  
6 Terminal Market, South San Francisco, California 94083, attorneys for plaintiff, for  
7 distribution to plaintiff until the balance owed is paid to plaintiff; and it is further  
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9 **ORDERED** that any and all funds owed to defendants for produce or produce  
10 related items, shall be paid directly to Lee-Ray Tarantino Co., Inc., d/b/a Golden State  
11 Produce, P.O. Box 2408, Golden State Produce Terminal, 131 Terminal Market, South  
12 San Francisco, California 94083, attorneys for plaintiff, when due for distribution to plaintiff  
13 until the balance owed is paid to plaintiff; and it is further  
14

15 **ORDERED** that defendants shall supply to plaintiff's attorney, within five (5) days of  
16 the date of this Order, any and all documents in connection with the assets and liabilities of  
17 defendants, Theodoras Koliatsis, d/b/a 4<sup>th</sup> & Geary Farmers Market and Yannoula  
18 Koliatsis, d/b/a 4<sup>th</sup> & Geary Farmers Market, and its related and subsidiary companies,  
19 including, but not limited to, the most recent balance sheets, profit/loss statements,  
20 accounts receivable reports, accounts payable reports, accounts paid records and income  
21 tax returns.  
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United States District Judge  
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